

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE THE APPLICATION OF)

Thomas Anthony Parker)

Group Art Unit: 2766

SERIAL NO: 09/585,665)

FILED: June 1, 2000)

FOR: Migration from In-Clear to Encrypted)
Working over a Communications Link)**RECEIVED**

JUN 13 2003

Technology Center 2100

INFORMATION DISCLOSURE STATEMENT

Honorable Director of
Patents and Trademarks
Washington, D.C. 20231

Dear Sir,

In accordance with the provisions of 37 C.F.R. Sections 1.97-1.98, submitted herewith is Form PTO-1449 along with copies of the 4 references identified therein. Also submitted herewith is a copy of the European Search Report which was received by the Applicant on May 23, 2003 and which constitutes the first knowledge of the Applicant of the cited references. This Information Disclosure Statement is therefore being timely filed and no fee is required.

Two of the references (EP 0784392 and WO 98 27783) were cited merely as category A documents, and it is believed that these references, while of technological background interest, are not relevant to the invention as claimed in the present application.

US 5822434 (Caronni et al.) was cited as an "X" category reference. However, it is believed that the invention as claimed in the present claims is clearly distinguished

from this reference. Caronni describes a system based on access control lists (ACLs) in each host to track the encryption capabilities of the other hosts with which it is communicating (column 3, line 66 – column 4, line 2). A host will initially send packets in the clear while simultaneously starting another process to see if the communication can be upgraded to an encrypted mode (column 4, lines 54 – 56).

However, there is nothing in this reference corresponding to operating the system in the three modes as claimed in the present claims. In particular, there is nothing in Caronni that corresponds to a third mode which provides in-clear working until means required for encrypted working are provided at both the first and the second nodes, when encrypted working is commenced and from which point in time only encrypted working is possible over the link.

US 6430691 (Di Santo et al.) was cited as an “E” category reference, which means that it does not count as prior art against the European application. It is believed that the present invention is clearly patentably distinguished from Di Santo. Di Santo describes a system with three modes (Abstract, lines 1- 18):

- a first mode, allowing audio and facsimile signals to pass between communications devices in a substantially unaltered manner;
- a second mode establishing a secure session between a first security device and a second security devices, intercepting and digitizing audio signals to produce audio data, encrypting the audio data and modulating the encrypted audio data for transmission over the secure session; and
- a third mode automatically establishing a facsimile session dependent upon at least one characteristic indicative of a rate at which information can be transmitted and received using the secure session, receiving facsimile signals and demodulating the received facsimile signals to produce facsimile data, encrypting the facsimile data and modulating the encrypted facsimile data for transmission over the secure session.

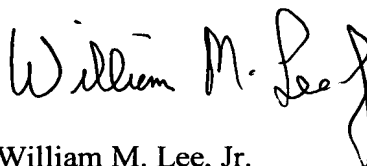
However, it is clear that Di Santo’s three modes do not correspond to the three modes as claimed in the present claims. In particular, there is nothing corresponding to a third mode which provides in-clear working until means required for encrypted working are provided at both the first and the second nodes, when encrypted working is commenced and from which point in time only encrypted working is possible over the link.

It is therefore submitted that the claims of this application are clearly patentable over all the references.

Examination of the application on its merits is awaited.

Date: 6/3/03

Respectfully Submitted

A handwritten signature in cursive script that reads "William M. Lee, Jr." The signature is written in black ink and is positioned above the printed name.

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CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)

Applicant(s): **Thomas Anthony Parker**

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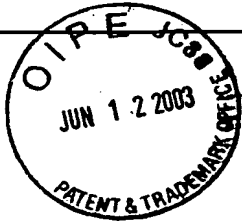
06/1/2000

Examiner

Group Art Unit

2766

Invention: **Migration from In-Clear to Encrypted Working Over a Communications Link**



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I hereby certify that this Information Disclosure Statement with attached references

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